

**REMARKS**

Claims 1-21 are pending in the above-identified application, and were rejected. With this Amendment, claims 1-21 were amended. Accordingly, claims 1-21 remain at issue.

**I. Objection To Specification**

The Examiner objected to the title of the invention as not descriptive. In response, Applicants have amended the title, as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of this objection.

Applicants have also amended the specification in response to the objection to the disclosure. Accordingly, Applicants respectfully request withdrawal of this objection.

**II. Objection To Claims**

Claims 1 and 12 were objected to because of an informality. Applicants have amended claims 1 and 12, and respectfully submit that these amendments obviate this objection. Accordingly, Applicants respectfully request withdrawal of this objection.

**III. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bennett et al. (U.S. Patent No. 6,126,329). Applicants respectfully traverse this rejection.

Claim 1 is directed to a compiling apparatus comprising an analysis data generating section, a first executable program generating section, a profile data generating section, and a second executable program generating section. The analysis data generating section generates, from a source program, analysis data of the source program. The first executable program generating section generates a first executable program on the basis of the analysis data. The profile data generating section generates profile data on the basis of the first executable program.

The second executable program generating section generates a second executable program on the basis of the analysis data and the profile data.

Bennett et al. discloses a method for equipping a program for execution profiling by preprocessing the object code files of the program to add profiling monitoring code to all or substantially all functions of the program. (See col. 5, line 66 through col. 6, line 3.) As illustrated in Fig. 2, the preexisting object code file 1 is augmented by profiling expansion means 5 to form a new object code file 1. (See col. 6, lines 23-25 and Fig. 2). The general procedure of implementing a profiling scheme to have full coverage for an executable program, by modifying all of the object code files for the executable program, linking the modified program and then running it is illustrated in Fig. 3. (See col. 6, lines 40-44.) Every function in every object file for the application program is processed to have added to it the profiling code. (See col. 7, lines 16-18.) The general process of adding to a function the profiling code is illustrated by the flowchart of Fig. 4. (See col. 7, lines 18-21.)

The Examiner appears to correspond both the analysis data of the source program and the profile data in claim 1 to the profiling code of Bennett et al. However, the analysis data is generated from a source program, and the profile data is generated on the basis of the first executable program. Thus, the profiling code in Bennett et al., which is generated from the preexisting object code file 1, cannot correspond to both the analysis data of the source program and the profile data in claim 1. Accordingly, Bennett et al. does not disclose or suggest both an analysis data generating section for generating, from a source program, analysis data of the source program and a profile data generating section for generating profile data on the basis of the first executable program, as required by claim 1.

Furthermore, the Examiner also appears to correspond both the first executable program and the second executable program in claim 1 to the new object code file 1. However, the first executable program is generated on the basis of the analysis data, and the second executable program is generated on the basis of the analysis data and the profile data. Thus, the new object code file 1 in Bennett et al. cannot correspond to both the first executable program and the second executable program in claim 1. Accordingly, Bennett et al. does not disclose or suggest both a first executable program generating section for generating a first executable program on the basis of the analysis data and a second executable program generating section for generating a second executable program on the basis of the analysis data and the profile data, as required by claim 1.

For the reasons set forth above, claim 1, and claims 2-11 that depend from claim 1, are allowable over Bennett et al. For reasons similar to those discussed regarding claim 1, Applicants respectfully submit that claims 12-21 are also allowable over Bennett et al. Accordingly, Applicants respectfully request withdrawal of this rejection.

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**IV. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

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